

**** NOT FOR PRINTED PUBLICATION ****

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

GREGORY W. CRAFT

§

VS.

§

CIVIL ACTION NO. 9:18cv151

BRYAN COLLIER, ET AL.

§

**ORDER OVERRULING OBJECTIONS AND ACCEPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Gregory W. Craft, an inmate at the Eastham Unit, proceeding *pro se*, brought the above-styled lawsuit against Bryan Collier, the Director of the Texas Department of Criminal Justice; Kevin Wheat, the Warden at the Eastham Unit; and Gregory Vaughn, an Assistant Warden at the Eastham Unit.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit. For the reasons set forth in the Report, plaintiff's complaint is frivolous and fails to state a claim upon

which relief may be granted. Plaintiff's complaint does not allege any personal involvement on part of the defendants. Supervisory officials are not liable for subordinates' action on a theory of vicarious liability. Further, plaintiff has failed to allege or demonstrate that these defendants were aware of a substantial risk of serious harm and acted with deliberate indifference to his health and safety.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ACCEPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So ORDERED and SIGNED, Aug 24, 2020.

A handwritten signature in black ink, appearing to read "Ron Clark", written over a horizontal line.

Ron Clark
Senior Judge